

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

HEART IMAGING TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	Case No. 1:12-cv-1020
)	
v.)	
)	
MERGE HEALTHCARE INCORPORATED)	
)	
Defendant.)	

**MOTION FOR LEAVE TO CONDUCT LIMITED DEPOSITION OF DR. DAVID
CLUNIE OR, IN THE ALTERNATIVE, TO FILE SUPPLEMENTARY
DECLARATION OF DR. SIMONETTI**

Plaintiff Heart Imaging Technologies, LLC, pursuant to Local Rules 26.1 and 104.4, moves for leave to conduct the deposition of Dr. David Clunie, who is Defendant's Claim Construction expert and has submitted testimony on that issue. In the alternative, Plaintiff requests leave to file the attached Supplemental Declaration of Dr. Simonetti, which discusses the Clunie documents that were not available at the time of Dr. Simonetti's previous Declaration. A memorandum in support of this Motion is filed herewith.

Respectfully Submitted,

By: /s/ James L. Lester
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2013, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

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